

02/06/09

1/FW RCE/JH

FEB 04 2009

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 10/551,884

Filing Date February 6, 2007

First Named Inventor Patrick Joseph Caroline

Art Unit 2873

Examiner Name Greece, James R.

Attorney Docket No. 7605P001

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a.  Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
  - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.)
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii.  Other \_\_\_\_\_
- b.  Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS) 02/06/2009 CNGUYEN2 00000031 10551884
  - iv.  Other \_\_\_\_\_ 01 FC:1801 810.00 OP

**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
- b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666

- i.  RCE fee required under 37 C.F.R. § 1.17(e)
- ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii.  Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
- iv.  Other Any fee deficiency \_\_\_\_\_

- b.  Check in the amount of \$ 810.00 enclosed

- c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Lester J. Vincent Registration No. (Attorney/Agent) 31,460

Signature Lester J. Vincent Date February 4, 2009

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Express Mail No. (only if applicable): EM327959338US

**INSTRUCTION SHEET FOR RCEs**  
(Not to be submitted to the USPTO)

**NOTES:**

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date.

**Filing Qualifications:**

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, a design application, or a patent under reexamination. See 37 CFR 1.114(e).

**Filing Requirements:**

**Prosecution in the application must be closed.** Prosecution is closed if the application is under appeal, or the last Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office action under Ex parte Quayle). See 37 CFR 1.114(b).

**A submission and a fee are required at the time the RCE is filed.** If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

**WARNINGS:**

**Request for Suspension of Action:**

All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

**Improper RCE will NOT toll Any Time Period:**

**Before Appeal** – If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. No additional time will be given to correct the improper RCE.

**Under Appeal** – If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

See MPEP 706.07(h) for further information on the RCE practice.



## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 10/551,884  
Filing Date February 6, 2007  
First Named Inventor Patrick Joseph Caroline  
Art Unit 2873  
Examiner Name Greece, James R.  
Attorney Docket No. 7605P001

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - a.  Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
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    - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
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  - b.  Enclosed
    - i.  Amendment/Reply
    - ii.  Affidavit(s)/Declaration(s)
    - iii.  Information Disclosure Statement (IDS)
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2. **Miscellaneous**
  - a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
  - b.  Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.
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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Lester J. Vincent Registration No. (Attorney/Agent) 31,460  
Signature Lester J. Vincent Date February 4, 2009

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Name (Print/Type) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Express Mail No. (only if applicable): EM327959338US

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**Under Appeal** – If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

**See MPEP 706.07(h) for further information on the RCE practice.**

# FEE TRANSMITTAL FOR FY 2009

FEB 04 2009 (Effective on 10/02/2008. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**TOTAL AMOUNT OF PAYMENT (\$)** **810.00**

Complete if Known:

Application Number 10/551,884  
 Filing Date February 6, 2007  
 First Named Inventor Patrick Joseph Caroline  
 Examiner Name Greece, James R.  
 Art Unit 2873  
 Attorney Docket No. 7605P001

\_\_\_\_\_  
 Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify)  
Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

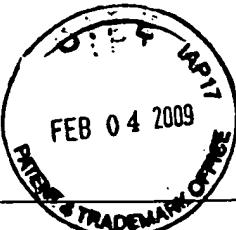
- Charge fee(s) indicated below.
- Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.
- Charge fee(s) indicated below except for the filing fee
- Credit any overpayments.
- Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Large Entity	Small Entity	Fee Description		Fees Paid (\$)
Fee	Fee	Fee	Fee	
Code	(\$)	Code	(\$)	
1011	330	2011	165	Utility application filing fee } 1,090/545
1111	540	2111	270	Utility search fee }
1311	220	2311	110	Utility examination fee }
1012	220	2012	110	Design application filing fee }
1112	100	2112	50	Design search fee }
1312	140	2312	70	Design examination fee }
1013	220	2013	110	Plant filing fee }
1113	330	2113	165	Plant search fee }
1313	170	2313	85	Plant examination fee }
1014	330	2014	165	Reissue filing fee }
1114	540	2114	270	Reissue search fee }
1314	650	2314	325	Reissue examination fee }
1005	220	2005	110	Provisional application filing fee }
<b>SUBTOTAL (1)</b>				<b>\$ 0.00</b>



## 2. EXCESS CLAIM FEES

### Fee Description

<u>Large Entity</u>	<u>Small Entity</u>
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Fee	Fee	Fee	Fee	<u>Fee Description</u>
Code	(\$)	Code	(\$)	Each claim over 20
1202	52	2202	26	Each independent claim over 3
1201	220	2201	110	Multiple dependent claims, if not paid
1203	390	2203	195	Reissue: each claim over 20 and more than in the original patent
1204	220	2204	110	Reissue: each independent claim more than in the original patent
1205	52	2205	26	

	<u>Extra Claims</u>	<u>Fee</u>	<u>Fees Paid (\$)</u>
Total Claims	– 20 or HP =	X \$ 26.00	= _____
HP = highest number of total claims paid for, if greater than 20			
Independent Claims	– 3 or HP =	X \$110.00	= _____
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims		_____	= _____
SUBTOTAL (2) \$ 0.00			

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____	– 100 = _____ / 50 = _____ (round up to whole number)	X \$135.00	_____	

<u>Large Entity</u>	<u>Small Entity</u>
---------------------	---------------------

Fee	Fee	Fee	Fee	<u>Fee Description:</u> Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):
Code	(\$)	Code	(\$)	
1081	270	2081	135	Utility
1082	270	2082	135	Design
1083	270	2083	135	Plant
1084	270	2084	135	Reissue
1085.....270		2085	135	Provisional

SUBTOTAL (3)\$ 0.00



## **FEE CALCULATION (continued)**

8-04 2009

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)				Fees Paid (\$)
<u>Large Entity</u>	<u>Small Entity</u>			
Fee	Fee	Fee	Fee	<u>Fee Description</u>
Code	(\$)	Code	(\$)	
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1813	8,800	1813	8,800	Request for inter parties reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	130	2251	65	Extension for reply within first month
1252	490	2252	245	Extension for reply within second month
1253	1,110	2253	555	Extension for reply within third month
1254	1,730	2254	865	Extension for reply within fourth month
1255	2,350	2255	1,175	Extension for reply within fifth month
1401	540	2401	270	Notice of Appeal
1402	540	2402	270	Filing a brief in support of an appeal
1403	1,080	2403	540	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	540	2452	270	Petition to revive – unavoidable
1453	1,620	2453	810	Petition to revive - unintentional
1501	1,510	2501	755	Utility issue fee (or reissue)
1502	860	2502	430	Design issue fee
1503	1,190	2503	595	Plant issue fee
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	810	2809	405	For filing a submission after final rejection (see 37 CFR 1.129(a))
1814	140	2814	70	Statutory Disclaimer
1810	810	2810	405	For each additional invention to be examined (see 37 CFR 1.19(b))
1801	810	2801	405	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.
1505	300	1505	300	Publication fee for republication
1803	130	1803	130	Request for voluntary publication or republication
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)
1454	1,410	1454	1,410	Acceptance of unintentionally delayed claim for priority

**Other fee (specify) \_\_\_\_\_**

**Other fee (specify) \_\_\_\_\_**

**SUBTOTAL (4)\$ 810.00**

**\*Reduced by Basic Filing Fee Paid**

**SUBMITTED BY:**

Typed or Printed Name: Lester J. Vincent

**Signature:**  **Date:** February 4, 2009

**Reg. Number:** 31-460 **Telephone Number:** 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**FEE TRANSMITTAL FOR FY 2009**

Effective on 10/02/2008. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**TOTAL AMOUNT OF PAYMENT (\$)** 810.00

Complete if Known

Application Number 10/551,884  
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 First Named Inventor Patrick Joseph Caroline  
 Examiner Name Greece, James R.  
 Art Unit 2873  
 Attorney Docket No. 7605P001

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify)

**Deposit Account**

Deposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

Charge fee(s) indicated below except for the filing fee

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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>		<u>Fees Paid (\$)</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1011	330	2011	165	Utility application filing fee		
1111	540	2111	270	Utility search fee		
1311	220	2311	110	Utility examination fee	1,090/545	
1012	220	2012	110	Design application filing fee		
1112	100	2112	50	Design search fee		
1312	140	2312	70	Design examination fee	460/230	
1013	220	2013	110	Plant filing fee		
1113	330	2113	165	Plant search fee		
1313	170	2313	85	Plant examination fee	720/360	
1014	330	2014	165	Reissue filing fee		
1114	540	2114	270	Reissue search fee		
1314	650	2314	325	Reissue examination fee	1,520/760	
1005	220	2005	110	Provisional application filing fee		

SUBTOTAL (1) \$ 0.00



## 2. EXCESS CLAIM FEES

### Fee Description

Large Entity	Small Entity
--------------	--------------

Large Entity	Small Entity		
Fee	Fee	Fee	Fee
Code	(\$)	Code	(\$)
1202	52	2202	26
1201	220	2201	110
1203	390	2203	195
1204	220	2204	110
1205	52	2205	26

### Fee Description

Each claim over 20  
Each independent claim over 3  
Multiple dependent claims, if not paid  
Reissue: each claim over 20 and more than in the original patent  
Reissue: each independent claim more than in the original patent

	<u>Extra Claims</u>	<u>Fee</u>	<u>Fees Paid (\$)</u>
Total Claims	– 20 or HP =	X \$ 26.00	= _____
HP = highest number of total claims paid for, if greater than 20			
Independent Claims	– 3 or HP =	X \$110.00	= _____
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims		_____	= _____
SUBTOTAL (2) \$ 0.00			

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____	– 100 = _____ / 50 = _____ (round up to whole number)	X \$135.00	_____	

Large Entity	Small Entity
--------------	--------------

Large Entity	Small Entity		
Fee	Fee	Fee	Fee
Code	(\$)	Code	(\$)

**Fee Description:** Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):

1081	270	2081	135	Utility
1082	270	2082	135	Design
1083	270	2083	135	Plant
1084	270	2084	135	Reissue
1085.....270	2085	135		Provisional

SUBTOTAL (3)\$ 0.00

## FEE CALCULATION (continued)

FEB 04 2009

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Large Entity	Small Entity		Fees Paid (\$)
Fee	Fee	Fee	
Code	(\$)	Code	(\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1813	8,800	1813	8,800
1804	920*	1804	920*
1805	1,840*	1805	1,840*
1251	130	2251	65
1252	490	2252	245
1253	1,110	2253	555
1254	1,730	2254	865
1255	2,350	2255	1,175
1401	540	2401	270
1402	540	2402	270
1403	1,080	2403	540
1451	1,510	1451	1,510
1452	540	2452	270
1453	1,620	2453	810
1501	1,510	2501	755
1502	860	2502	430
1503	1,190	2503	595
1462	400	1462	400
1463	200	1463	200
1464	130	1464	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	810	2809	405
1814	140	2814	70
1810	810	2810	405
1801	810	2801	405
1802	900	1802	900
1504	300	1504	300
1505	300	1505	300
1803	130	1803	130
1808	130	1808	130
1454	1,410	1454	1,410

Fee Description		
Surcharge - late filing fee or oath		
Surcharge - late provisional filing fee or cover sheet		
Non-English specification		
For filing a request for ex parte reexamination		
Request for inter parties reexamination		
Requesting publication of SIR prior to Examiner action		
Requesting publication of SIR after Examiner action		
Extension for reply within first month		
Extension for reply within second month		
Extension for reply within third month		
Extension for reply within fourth month		
Extension for reply within fifth month		
Notice of Appeal		
Filing a brief in support of an appeal		
Request for oral hearing		
Petition to institute a public use proceeding		
Petition to revive – unavoidable		
Petition to revive - unintentional		
Utility issue fee (or reissue)		
Design issue fee		
Plant issue fee		
Petitions to the Commissioner (CFR 1.17(f) Group I)		
Petitions to the Commissioner (CFR 1.17(g) Group II)		
Petitions to the Commissioner (CFR 1.17(h) Group III)		
Processing fee under 37 CFR 1.17(q)		
Submission of Information Disclosure Stmt		
Recording each patent assignment per property (times number of properties)		
For filing a submission after final rejection (see 37 CFR 1.129(a))		
Statutory Disclaimer		
For each additional invention to be examined (see 37 CFR 1.19(b))		
Request for Continued Examination (RCE)	810	
Request for expedited examination of a design application		
Publication fee for early, voluntary, or normal pub.		
Publication fee for republication		
Request for voluntary publication or republication		
Processing fee under 37 CFR 1.17(i) (except provisionals)		
Acceptance of unintentionally delayed claim for priority		

Other fee (specify) \_\_\_\_\_

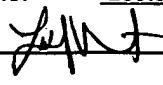
Other fee (specify) \_\_\_\_\_

SUBTOTAL (4)\$ 810.00

\*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Lester J. Vincent

Signature:  Date: February 4, 2009

Reg. Number: 31,460 Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450